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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,144	12/29/2000	Peter Benda	9790350-0002	9215

7590 12/02/2003

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EXAMINER
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JEANTY, ROMAIN

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 12/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notice of Non-Responsive Amendment**

1. Amended claims 1-8, 11-15 and newly added claims 43-78 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: claims 1-8, 11-15 and 43-78 relate to a method of optimizing a facilitating a shipment to at least a first receiver of a plurality of products maintained by the first receiver in inventory at a location, whereas, the original claims 1-29 relate to a method of optimizing a shipment for determining a maximum load of at least one transport vehicle from a plurality of shippers.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. See MPEP § 821.03.

2. The amendment filed on 8/25/2003 amended all claims drawn to the original invention and presenting only claims drawn to an entirely new invention is non-responsive (MPEP § 821.03). The amended and newly added claims are not readable on the original invention (classified under class 705 and subclass 7).

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

**Conclusion**

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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed Romain Jeanty whose telephone number is (703) 308-9585. The examiner can normally be reached Monday-Thursday from 7:30 am to 6:00 pm. If attempts to reach the examiner are not successful, the examiner's supervisor, Tariq R Hafiz can be reached at (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

Commissioner for Patents

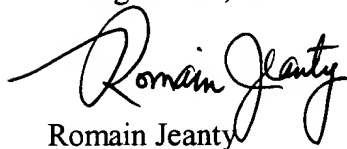
P.O. Box 1450

Alexandria, VA 22313-1450

or faxed to: (703) 305-7687

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive,

Arlington VA, Seventh floor receptionist.

A handwritten signature in black ink, appearing to read "Romain Jeanty". The signature is stylized with a large, looped initial "R".

Romain Jeanty

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November 13, 2003